

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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Writ Petition No.3103 of 1997

DATED 8-12-2006

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BETWEEN

Mallanna.

.. Petitioner

And

The Mandal Revenue Officer, Kudair Mandal,
Kudair, Ananthapur District and another.

.. Respondents

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION NO.3103 OF 1997

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ORDER:

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This writ petition has been instituted when an attempt has been made by the Mandal Revenue Officer, Kudair Mandal of Ananthapur District to dispossess him from the land in an extent of Ac.12.72 ¼ cents in Survey No.144-1 of Cholasamudram Village.

The writ petitioner has pointed out that the land in an extent of Ac.55.89 cents situate in S.No.144-1 of Cholasamudram Village was held by seven individuals as joint pattadars of whom Boya Obulappa is one. The writ petitioner is stated to have purchased the land admeasuring Ac.12.72 ¼ cents in the said survey number from the legal heirs of late Boya Obulappa under registered sale deed dated 30.5.1977. Therefore, the writ petitioner resists any attempt made by the Mandal Revenue Officer to threaten him with eviction from the land in dispute on the ground that one Boya Yerrappa of

the same village has surrendered these lands. The writ petitioner asserts that the said Boya Yerrappa has nothing to do with the lands in question and therefore the revenue administration, at the instance of the said Boya Yerrappa, cannot seek to evict him from the lands held and owned by him in his own right. The writ petitioner points out that Boya Yerrappa who filed a declaration in terms of Section 8 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (henceforth referred to as 'the Act') declared that he owns the lands in all to an extent of Ac.112.97 cents and he has mentioned the respective survey numbers of which survey No.144 also finds a mention. The writ petitioner also contends that while the declaration filed by Boya Yerrappa on 10.4.1975 has merely referred to survey No.144-1 and the corresponding extent owned by him as Ac.6.30 cents, the revenue administration of the State cannot try to evict him from the land in an extent of more than Ac.6.30 cents at all.

Be that as it may, the learned Assistant Government Pleader for Revenue had placed before me a copy of the instructions received by her from the Special Tahsildar/Authorised Officer, Land Reforms, Ananthapur, which was also permitted to be perused by the learned counsel for the writ petitioner. It discloses that Sri Boya Yerrappa had declared certain extents of land owned and held by him and ultimately he had been declared to be in excess of the holding limit of Ac.28.12 cents of land and in the process of securing the surrender of those lands, the proposed action of intimating those who are likely to be effected had taken place. The instructions have further revealed that the particulars mentioned by Boya Yerrappa in regard to the lands held by him has resulted in creation of confusion inasmuch as the lands are either not owned by him or not a free hold. Therefore, the land Reforms Tribunal seems to have

reopened the entire matter of computation of the land holding of Sri Boya Yerrappa. In this view of the matter, the writ petitioner is not threatened from being evicted from out of the lands owned by him now.

Before the writ petitioner could be evicted, it is absolutely obligatory for the respondents to comply with the basic principles of publication of notification under the Act. It is also inevitable that the land owned and held by persons unconnected with Boya Yerrappa cannot form part of the exercise of computation of the ceiling limit of Boya Yerrappa.

Hence, the writ petition is disposed of directing the respondents not to evict the writ petitioner from out of the land owned and held by him in Survey No.144-1 of Cholasamudram village without following the due process of law and without putting the petitioner on notice. The instructions received by the learned Government Pleader from the Special Tahsildar/Authorised Officer, Land Reforms, Ananthapur shall form part of the record of this case.

Nooty Ramamohana Rao,J

Dated 8.12.006
msv